

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN W. TOWER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

Case No. 10-cv-5421-RBL-JRC

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF No. 19.) After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings as set forth by the parties in that motion.

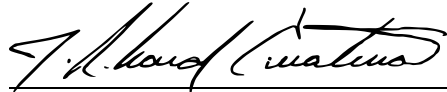
Based on the stipulation of the parties, the Court recommends that the above-captioned case be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including, but not limited to, the following actions: the administrative law judge (ALJ) will hold a de novo hearing; the ALJ will consider, and specify the weight given to, the opinions of Physician Assistant Kenoyer (Tr. 286-289), Dr. Wingate (Tr. 296-299), Dr. Brown (Tr. 292-295), and Dr. Cosgrove (Tr. 278-285); the ALJ will consider plaintiff's diagnoses of depressive disorder (Tr. 322) and intermittent explosive disorder (Tr. 334); the ALJ will further consider the severity of all of plaintiff's impairments, individually and

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1 in combination, throughout the sequential evaluation process; the ALJ will further consider  
2 Plaintiff's subjective complaints; the ALJ will further consider Plaintiff's residual functional  
3 capacity; and, if the sequential evaluation proceeds to step five, the ALJ will further consider  
4 with the assistance of additional vocational expert testimony Plaintiff's ability to perform other  
5 work in the national economy.

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7 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
8 immediately approve this Report and Recommendation and order the case **REVERSED** and  
9 **REMANDED**.

10 DATED this 20<sup>th</sup> day of December, 2010.

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13 J. Richard Creatura  
14 United States Magistrate Judge  
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